BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE MEDTRONIC, INC., IMPLANTABLE DEFIBRILLATORS U.S. DISTRICT COURT WESTERN DISTRICT ARKANSAS FILED PRODUCTS LIABILITY LITIGATION

(SEE ATTACHED SCHEDULES)

JUN 0 5 2007 CHRIS R. JOHNSON, CLERK Doc.

SEPARATION OF CLAIMS AND CONDITIONAL REMAND ORDËR

The transferee court in this litigation has advised the Panel that coordinated or consolidated pretrial proceedings in the actions listed on the attached Schedule A have been completed and that remand to the respective transferor courts, as provided in 28 U.S.C. § 1407(a), is appropriate. The transferee court has further advised the Panel that coordinated or consolidated pretrial proceedings regarding certain identified plaintiffs and certain claims in the actions listed on the attached Schedules B and C have been completed and that remand of those claims to their respective transferor courts, as provided in 28 U.S.C. § 1407(a), is appropriate.

IT IS THEREFORE ORDERED that the three actions listed on the attached Schedule A be remanded to their respective transferor courts in their entirety.

IT IS ALSO ORDERED that the claims of the identified plaintiffs in the actions listed on the attached Schedule B, and the specific claims identified in the actions listed on the attached Schedule C, be separated and remanded to their respective transferor courts.

IT IS ALSO ORDERED that, pursuant to Rule 7.6 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 436-38 (2001) (Rules), the transmittal of this order to the transferee clerk for filing shall be stayed 15 days from the date of this order. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel. This order does not become effective until it is filed in the office of the Clerk for the United States District Court for the District of Minnesota.

Inasmuch as no objection is pending at this time, the stay is lifted. MAY 2 5 2007 CLERK'S OFFICE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

A true printed appy in of the electronic record filed on in the United States District Court for the District of Minnesota. CERTIFIED.

RICHARIO D. SLETTEN

Deputy Clerk

SCANNED MAY 2 @ 2007 U.S. DISTRICT COURT MPLS

06-504

IT IS FURTHER ORDERED that, pursuant to Rule 7.6(g), and coinciding with the effective date of this order, the parties shall furnish the Clerk for the District of Minnesota with a stipulation or designation of the contents of the record to be remanded and all necessary copies of any pleadings or other matter filed so as to enable said Clerk to comply with the order of remand.

For the Panel:

Jeffery N. Luthi Clerk of the Panel Case 5:06-cy-05044-JLH Document 5 Filed 06/05/2007 Page 3 of 7 Case 0:06-cy-01536-JMR-AJB Document 6 Filed 05/29/2007 Page 3 of 6

# SCHEDULE A CONDITIONAL REMAND ORDER DOCKET NO. 1726 IN RE MEDTRONIC, INC., IMPLANTABLE DEFIBRILLATORS PRODUCTS LIABILITY LITIGATION

TRANSF DIST. DIV.				EROR C.A. NO.	CASE CAPTION
MN 0	06-4742	FLM	5	06-98	Rosemarie Clive v. Medtronic, Inc.
MN 0	07-1117	KYW	3	06-152	Connie Farmer, et al. v. Medtronic, Inc.
MN 0	06-4259	TNM	2	06-19	Joey Phillips, etc. v. Medtronic, Inc.

Case 5:06-cy-05044-JLH Document 5 Filed 06/05/2007 Page 4 of 7 Case 0:06-cy-01536-JMR-AJB Document 6 Filed 05/29/2007 Page 4 of 6

# SCHEDULE B CONDITIONAL REMAND ORDER DOCKET NO. 1726

# IN RE MEDTRONIC, INC., IMPLANTABLE DEFIBRILLATORS PRODUCTS LIABILITY LITIGATION

		EREE . C.A. NO.			FEROR V. C.A. NO.	CASE CAPTION
MN	0	06-179	FLS	9	05-80853	Don De Young, et al. v. Medtronic, Inc., et al. (as to plaintiff Rodney Tutt)
MN	0	<del>-06-2892</del>	KYW	-1-	<del>- 06-20</del>	-Robert Morgan, et al. v. Medironic, Inc. (CRO Vacated 5/25/07) (as to plaintiff Bobby Joe Sullivan)
MN	0	05-2851	SC	3	05-2020	Kenneth A. Willis, Sr., et al. v. Medtronic, Inc. (as to plaintiff Marilyn Kuchta)
MN	0	<del>06-1541</del>	TNM	-3-	06-112	- Robert Morelli, et al. v. Medtronic, Inc. (CRO Vacated 5/25/07) (as to plaintiffs James Edward Reavis and Danny Lee Stephens)
MN	0	06-4858	TXE	5	06-214	Jose Castaneda, et al. v. Medtronic, Inc. (as to plaintiffs Jose Castaneda, Alfredo Maldonado and Guillermina Ortiz)

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#### SCHEDULE C CONDITIONAL REMAND ORDER DOCKET NO. 1726 MEDTRONIC, INC., IMPLANTABLE DEFIBRILLATORS I

## IN RE MEDTRONIC, INC., IMPLANTABLE DEFIBRILLATORS PRODUCTS LIABILITY LITIGATION

		FEREE . C.A. NO.			FEROR V. C.A. NO.	CASE CAPTION
MN	0	06-1536	ARW	5	06-5044	Robin Young, etc. v. Medtronic, Inc. (as to all claims related to the Gem DR Model 7271, Serial No. PIM401735R)
MN	0	06-3308	FLS	1 0	6-21490	April R. Cox v. Medtronic, Inc., et al. (as to all claims related to the Gem Model 7227 Cx, Serial No. PIP105679H)
MN	0	06-181	MSN	2	05-200	Lowell Rogers v. Medtronic, Inc., et al. (as to all claims related to the Gem II DR Model 7273, Serial No. PJK302376H)
MN	0	06-3171	TXN	4	06-411	Robert Kenworthy v. Medtronic, Inc. (as to all claims related to the InSync II Marquis Model 7289AA, Serial No. PRJ615300S)
MN	0	06-3938	UT	2	06-646	Barney S. Carlson v. Medtronic, Inc. (as to all claims related to the Gem II Model 7273, Serial No. PJK304297H)

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# UNITED STATES OF AMERICA JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN: Judge Wm. Terrell Hodges United States District Court Middle District of Florida MEMBERS: Judge D. Lowell Jensen United States District Court Northern District of California

Judge J. Frederick Motz United States District Court District of Maryland

Judge Robert L. Miller, Jr. United States District Court Northern District of Indiana Judge Kathryn H. Vratil United States District Court District of Kansas

Judge David R. Hansen United States Court of Appeals Eighth Circuit

Judge Anthony J. Scirica United States Court of Appeals Third Circuit DIRECT REPLY TO:

Jeffery N. Lüthi Clerk of the Panel One Columbus Circle, NE Thurgood Marshall Federal Judiciary Building Room G-255, North Lobby Washington, D.C. 20002

Telephone: [202] 502-2800 Fax: [202] 502-2888 http://www.jpml.uscourts.gov

May 25, 2007

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MAY 2 9 2007

CLERK US DIST COURT
MINNEAPOLIS MN

300 South Fourth Street Minneapolis, MN 55415

Richard Sletten, Clerk 202 U.S. Courthouse

Re: MDL-1726 -- In re Medtronic, Inc., Implantable Defibrillators Products Liability Litigation

(See Attached CRO and Schedules A-C)

Dear Mr. Sletten:

I am enclosing a certified copy and one additional copy of a conditional remand order filed by the Panel in the above-captioned matter on May 9, 2007. The order was entered pursuant to 28 U.S.C. § 1407(a) which provides that "[E]ach action so transferred by the Panel shall be remanded by the Panel at or before the conclusion of such pretrial proceedings to the district from which it was transferred...."

Please note that transmittal of the order was stayed 15 days to give any party an opportunity to oppose the remand. The 15-day period has now elapsed, no opposition has been received, and the order is directed to you for filing.

Pursuant to Rule 7.6(g) of the <u>Rules of Procedure of the Judicial Panel on Multidistrict Litigation</u>, 199 F.R.D. 425, 438 (2001), parties are to furnish you with a stipulation or designation of the contents of the record to be remanded and all necessary copies of any pleading or other matter filed to enable you to comply with the remand order.

B۱

Very truly,

Jeffery N. Lüthi Clerk of the Pane

Mecca S Thompson
Deputy Clerk

**Enclosures** 

cc: Transferee Judge: Judge James M. Rosenbaum

Transferor Clerks: See Attached List of Clerks

#### Other Documents

06-5044

0:06-cv-01536-JMR-AJB Young v. Medtronic Inc

#### U.S. District Court

#### District of Minnesota

Notice of Electronic Filing

The following transaction was received on 5/31/2007 at 2:13 PM CDT and filed on 5/31/2007

Case Name:

Young v. Medtronic Inc

Case Number:

0:06-cy-1536

Filer:

**Document Number: 7** 

#### **Docket Text:**

LETTER from Clerk's Office sending order of remand to US District CourtJohn Paul Hammerschmidt Federal Building 35 East Mountain Street, Suite 510 Fayatteville, Arkansas 72701-5354. (kt)

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename:n/a

**Electronic document Stamp:** 

[STAMP dcecfStamp\_ID=1051215216 [Date=5/31/2007] [FileNumber=1422526-0 ] [714141aa32545623ec01be1553a211ecee480fdb19d787329b126ae84fb96483b25 a03f3afebacb764d2b9e39dec8a51b19bd1f97bf3af5d25ba083336087413]]

### 0:06-cv-1536 Notice will be electronically mailed to:

tbrooks@taylorlawpartners.com Timothy L Brooks

#### 0:06-cv-1536 Notice will be delivered by other means to:

Jeffery N Luthi Room G-255 N Lobby Clerk of the Panel Thurgood Marshall Federal Judiciary Bldg One Columbus Circle NE Washington, DC 20002-8004